Human Rights Center “Viasna”

Human Rights Situation in Belarus in 2019

Analytical review

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SUMMARY

- in spite of a slight decrease in the overall level of repression in the country compared with the previous year, in 2019 Belarus failed to demonstrate any significant systemic changes in the area of civil and political rights, especially at the legislative level, aimed at the qualitative improvement of the human rights situation;

- Belarusian authorities were unable to completely abandon the practice of criminal prosecution on political grounds. According to the Human Rights Center "Viasna", during the year, politically motivated criminal charges were brought against seven persons (Maryna Zolatava, Siarhei Piatrukhin, Aliaksandr Kabanau, Andrei Pavuk, Maisei Mazko, Dzianis Mazko, and Dzmitry Paliyenka). Three of them (Zolatava, Piatrukhin, and Paliyenka) were sentenced by the courts to punishments not involving deprivation of liberty;

- despite the absence of new political prisoners in 2019, political prisoner Mikhail Zhamchuzhny continued to serve his sentence in prison. Henadz Fiadynich and Ihar Komlik, leaders of the independent trade union REP, continued to be confined to their apartments as a result of house imprisonment imposed back in 2018. Their sentencing was found politically motivated by both the Belarusian and international human rights organizations;

- elections to the House of Representatives of the National Assembly of the 7th convocation, which took place on November 17, 2019, were not recognized as free and democratic by either the independent national observers or the international election observation mission of the OSCE ODIHR;

- the parliamentary elections failed to result in a significant increase in repression during campaigning, but led to new cases of administrative prosecution in the aftermath of the vote. The repression targeted participants in peaceful assemblies held during the electoral campaign, as well as participants in a series of protests against so called "advanced integration" with Russia, which were held in Minsk, Hrodna, Pinsk, and Lida in December 2019;

- in 2019, Article 23.34 of the Administrative Code (illegal protesting) affected at least 121 persons in 162 cases. 13 persons were sentenced to short terms of detention. In addition, 3 persons were convicted under Article 23.4 of the Administrative Code (disobedience to a lawful request of an official) for the exercise of the right to peaceful assembly and expression in street protests, and 16 persons were convicted under Article 17.1 (disorderly conduct) in 25 documented cases, most of which were simultaneously qualified under Art. 23.4; two of them were sentenced to detention. 11 persons (44 cases) were fined for violating traffic rules. Thus, at least 151 people in at least 234 documented cases were administratively convicted for exercising their right to peaceful assembly, freedom of opinion and expression;

- during the year, there were numerous cases of persecution of bloggers and journalists of independent media in connection with the exercise of their professional activities. According to the Human Rights Center "Viasna", there were 45 documented cases of arbitrary imposition of administrative penalties against 20 journalists and bloggers under Part 2, Art. 22.9 of the Administrative Code. The total amount of fines exceeded 43,000 Belarusian rubles;

- the year 2019 did not see a significant change in the situation with the rights to security of person, freedom from torture, cruel, inhuman and degrading treatment;

- in spite of the ongoing dialogue with the EU and the PACE on the issue of the death penalty and repeated calls for a moratorium on executions, Belarus continued to apply capital

punishment in 2019. In 2019, three new death sentences were handed down, and three earlier sentences were executed;

- throughout the year, the country's authorities made an extensive use of forced labor by persons confined to so-called LTPs (labor and therapy centers), parents obliged to reimburse the cost of government child custody, as well as the unpaid labor of army conscripts, university students and employees of government-owned enterprises and institutions involved in harvesting crops and community cleanups.

I. INTRODUCTION

During 2019, foreign factors continued to have a significant impact on the human rights situation in Belarus.

The political situation was also affected by the launch of the process of "advanced integration", steps to implement the 1999 high-level agreements between Belarus and Russia, which provided for the creation of the "union state". Among other things, the agreements provided for the establishment of supranational bodies, the introduction of the single currency with a single emission center, the unification of economic legislation, customs, etc. In practice, however, the Russian government associated the execution of these agreements with continued economic aid to Belarus, as well as preferential gas and oil prices. The government of Belarus and personally Aliaksandr Lukashenka assured the public that integration issues only affected economic aspects. However, according to representatives of the political opposition and independent civil society, both recent developments and the government's involvement in the discussion of the "advanced integration" agenda constitute a potential and real threat to the sovereignty of the country. In this regard, in December 2019, the opposition organized a series of peaceful protests in support of Belarus's independence and against the signing of integration agreements with Russia.

These protests were held across the country and triggered an increase in repression by the authorities. At the same time, the continuation of the government's dialogue with the European Union and the United States forced the authorities to refrain from the use of rigid forms of repression against the political opposition and representatives of civil society during 2019.

The November 17 elections to the House of Representatives of the 7th convocation, as a whole, failed to lead to a significant increase in repression in the country directly during the electoral campaign. After the completion of the elections, however, there was an increase in the number of administrative charges linked to the peaceful protests held during the election period, which was noted by human rights activists as an increase in repression in the post-election period.

The peaceful assemblies that took place during the elections and after their completion, in most cases, were not dispersed by law enforcement agencies, and their participants were not detained during the meetings or after their completion. Nevertheless, in 2019, the authorities made an active use of administrative penalties in relation to peaceful protesters, including short terms of detention. Repression also affected critical bloggers and freelance journalists who contribute to foreign media, the Polish TV channel Belsat, in particular.

The parliamentary elections, according to representatives of the campaign of non-partisan election observation "Human Rights Defenders for Free Elections", did not meet a number of key international standards for democratic and free elections, and the electoral legislation of Belarus.

The elections were not recognized as democratic and open by the international election observation mission of the OSCE ODIHR.

In 2019, the Belarusian authorities did not abandon politically motivated repression and continued to apply it against various groups of citizens: criminal and administrative prosecution and other forms of pressure related to active political involvement or social activities.

The situation in the country was also deteriorated as a result of the virtual absence of significant systemic changes in the field of human rights, primarily at the level of legislation. The only significant positive change in 2019 was the abolition in July of Article 193.1 of the Criminal Code providing for criminal responsibility for activity on behalf of unregistered public associations, religious organizations, political parties and foundations. Administrative responsibility was introduced to replace the criminal charges, but the penalties were not applied during the period. However, it continues to pose a potential threat to the representatives of non-registered organizations.

In 2019, there was no full-fledged interaction between the human rights community and the government. Individual contacts were non-systemic in nature and failed to lead to a meaningful dialogue on topical human rights agenda. No national human rights institutions were established during the year.

The death penalty continued to be used in the country.

II. POLITICALLY MOTIVATED PROSECUTIONS AND POLITICAL PRISONERS

In total, according to the Human Rights Center "Viasna", in 2019, politically motivated prosecution affected seven persons, which is less than in 2018 (18 people), significantly less than in 2017 (40) and the same as in 2016.

It should be noted that of the seven criminal cases, only three reached court; three people were convicted, as a result: chief editor of the portal TUT.BY Maryna Zolatava, blogger from Brest Siarhei Piatrukhin, and an anarchist activist Dzmitry Paliyenka. At the same time, the three persons were not deprived of their liberty. The remaining criminal cases were closed by investigating authorities due to lack of evidence.

Thus, in 2019, no new political prisoners appeared in Belarus.

However, Mikhail Zhamchuzhny continued to serve his politically motivated sentence in penal colony No. 9 in the town of Horki. Zhamchuzhny is the only current prisoner regarded as a political prisoner by the Belarusian human rights community. During the year, he was repeatedly placed in a punishment cell, subjected to all sorts of provocations and restrictions that were clearly condemned by the HRC "Viasna" as acts of harassment of the political prisoner by the prison administration.

In addition, Henadz Fiadynich and Ihar Komlik, leaders of the independent trade union REP, continued to serve their sentences of house imprisonment as a result of a flawed trial in 2018, which was recognized as politically motivated by the Belarusian and international human rights community. In November 2019, the initial 4-year sentences were reduced by 12 months as a result of an amnesty bill.

Prosecution of the chief editor of the portal TUT.by Maryna Zolatava

On March 4, 2019, the court of the Zavodski district of Minsk convicted chief editor of the news portal TUT.by Maryna Zolatava under Part 2, Art. 425 of the Criminal Code (failure to act as an

official). Judge Aliaksandr Petrash sentenced Zolatava to a fine of 7,650 rubles. Also, she was ordered to reimburse the costs suffered by the alleged victim, the news agency BelTA, to cover legal services amounting to more than 6,000 rubles.

On August 7, 2018, the Investigative Committee opened a criminal case under Part 2, Art. 349 of the Criminal Code (unauthorized access to computer data committed out of profit-seeking or other motives, or by a group of persons by prior conspiracy, or by a person with access to a computer system or network).

A total of 9 journalists representing various media outlets were detained for two days, and the offices of the leading independent news portals and the journalists' homes were raided. Seven journalists were detained for three days as suspects in the criminal case and placed in a detention center. After that, all the detainees were released. Maryna Zolatava was charged with official inaction.

On November 5, 2018, several suspects were charged under Part 2, Art. 349 of the Criminal Code. The journalists were forced to sign recognizance to appear. Later, in November, the criminal proceedings against fourteen persons involved in the case were discontinued, and the journalists were convicted under administrative procedures, instead. The criminal case against Maryna Zolatava was sent to court.

In response to these events, the HRC "Viasna" and the Belarusian Association of Journalists issued a joint statement to call the prosecution a flagrant violation of freedom of expression and the media. Later, a joint appeal of human rights organizations was sent to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, and the OSCE Representative on Freedom of the Media Harlem Désir. The journalists were supported by the European Union, Council of Europe, the United States, as well as by national and international human rights organizations.

Criminal prosecution of environmental activists Maisei and Dzianis Mazkos in Brest

On April 2, 2019, police stopped a car driven by Brest environmental activist Maisei Mazko to find ammunition, a briquette of unknown substances, as well as an explosive-like object. Later, Mazko and his son Dzianis were detained as suspects in committing a crime under Part 2, Art. 295 of the Criminal Code (illegal actions with firearms, explosives and ammunition). Law enforcement officials searched their home, but failed to find any prohibited items. After three days of stay in the detention center, Maisei and Dzianis Mazkos were released.

A resident of the village of Teĺma, Brest district, Maisei Mazko is a member of a group of activists campaigning against the construction of a battery plant near Brest. The activists have exposed numerous violations at different stages of the project.

On October 4, 2019, the criminal case against Maisei and Dzianis Mazkos was closed due to lack of evidence.

Their associates and family insist that the charges were part of provocation in connection with the Mazkos' public activity. Representatives of the Human Rights Center "Viasna" also believe that the prosecution was politically motivated and associated with their active environmental work.

Prosecution of bloggers Siarhei Piatrukhin, Aliaksandr Kabanau, and Andrei Pavuk

On February 1, 2019, Brest interdistrict department of the Investigative Committee issued a decision to charge local blogger Siarhei Piatrukhin under Part 2, Art. 188 (defamation) and Part 2, Art. 189 (insult) of the Criminal Code. The charges stemmed from a series of videos exposing the involvement of employees of the Lieninski district police department of Brest in the beating of Pavel Kaminski in July 2016.

It should be noted that the alleged victim reported the incident to the Investigative Committee asking to prosecute the police officers identified in the blogger's videos. Despite the fact that the injuries were confirmed by a medical examination and their infliction was linked to the circumstances reported by Kaminski, the investigators ruled to dismiss the criminal case. Between 2016 and 2019, eight decisions were issued to refuse to open a criminal case, seven of which were reversed by higher investigators and the prosecutor's office. As of the launch of the criminal investigation against Piatrukhin, Kaminski's new complaint was pending before the prosecutor of Brest and the Prosecutor General of Belarus. Meanwhile, the law enforcement agencies did not voice any claims to the victim himself.

On April 2, 2019, representatives of the Belarusian human rights community issued a joint statement to call on the Belarusian authorities to immediately cease the prosecution of Siarhei Piatrukhin.

A representative of public prosecution in the trial asked the judge to sentence the blogger to 2 years of restricted freedom in an open-type correctional facility and a fine of 100 basic units.

On April 18, Judge Aliaksandr Semianchuk of the Lieninski District Court of Brest found Piatrukhin guilty on defamation and insult charges. The blogger was punished by a fine of 9,180 rubles. The court granted the civil claims of the victims. Piatrukhin was ordered to pay 7,750 rubles in moral damages to four employees of the Lieninski district police department of Brest (Siarhei Ihnatsiuk, Dzmitry Yakushevich, Ihar Halyiantsich and Siarhei Takun). The total amount of fine under the sentence was about 17 thousand rubles, plus the court costs.

All the subsequent appeals by Piatrukhin were lost at the superior courts and the sentence came into force.

On March 7, 2019, the home of blogger Aliaksandr Kabanau in the town of Biaroza was searched as part of a criminal investigation. As it became known later, the criminal case under Part 1, Art. 211 of the Criminal Code (misappropriation or embezzlement) was opened by the district department of the Investigative Committee at the request of one of the blogger's neighbors, a police officer.

Kabanau was suspected of illegally receiving funds from his neighbors for the state registration of a condominium and the drafting of project documentation for the construction of basements back in 2017. After that, he allegedly misappropriated the funds in the amount of 440 rubles. Kabanov argued that the money was his salary as acting chairman of the housing cooperative. These funds were voluntarily donated by the tenants who had no claims against him.

On July 9, 2019, it was reported that the case against Kabanau was closed.

On October 21, the case was reopened by order of the prosecutor's office of Brest region.

The criminal case was resumed almost immediately after President Lukashenka's public statement targeting opponents of the car battery factory in Brest as "greedy for power". It should be noted that Kabanau was going to run in the parliamentary elections, but was not registered as a candidate following a dubious decision by the district election commission.

A month later, the criminal case was again suspended, and in December 2019 it was closed for lack of evidence.

Earlier, bloggers Aliaksandr Kabanau and Siarhei Piatrukhin were repeatedly brought to administrative responsibility for posting videos on their co-run YouTube channel “People’s Reporter”. The channel covers the situation around the construction of the car battery factory near Brest, as well as the efforts of local activists campaigning for the resignation of officials, which the police and the courts viewed as unauthorized mass gatherings.

The Human Rights Center “Viasna” considers the prosecution of bloggers Kabanau and Piatrukhin as acts of harassment by the authorities in connection with their public activity, including in the context of the overall situation of environmental protests in Brest.

Human rights defenders also voiced their concern about the situation of blogger Andrei Pavuk who was detained on March 20, 2019 by police in the town of Akciabrski, Homieĺ region. Pavuk’s apartment was searched, a computer and other equipment were seized. The criminal case against Pavuk was opened under Part 1, Art. 340 of the Criminal Code (knowingly false danger report). According to investigators, the blogger used his email address to send a fake bomb threat to the regional department of emergencies. The building of the district executive committee was evacuated, as a result. After the interrogation as a suspect, Pavuk was released. A month later, the blogger was cleared of the criminal charges. The confiscated equipment was returned to the owner.

In 2019, Andrei Pavuk was repeatedly subjected to various kinds of pressure, including anonymous threats in connection with his public activity.

Prosecution of anarchist activist Dzmitry Paliyenka

On May 20, 2019, Dzmitry Paliyenka, who was earlier called a political prisoner by the Belarusian human rights community and a prisoner of conscience by Amnesty International, was again arrested by police on suspicion of committing particularly malicious hooliganism (use of pepper spray against a citizen, with whom he allegedly had a conflict) and placed in pre-trial detention.

It should be noted that in February 2019, Paliyenka was detained by police on suspicion of spraying a graffiti on a building in Minsk as part of a criminal case under Art. 341 of the Criminal Code.

Later, he was charged under several articles of the Criminal Code: Part 3, Art. 339 (especially malicious hooliganism), Art. 369 (insulting a representative of authorities), Art. 130 (incitement to racial, ethnic, religious or other social hatred or enmity), and Art. 341 (vandalizing buildings and property damage).

It should be noted that some of the charges against Dzmitry Paliyenka, according to the human rights community, constituted unacceptable restriction on freedom of expression and created new forms of persecution for public criticism of the activities of state bodies and officials.

In particular, Paliyenka was charged with inciting hatred, which, according to the investigation, targeted the “social group” of police officers. The charges stemmed from video footage showing unknown persons spraying anti-police graffiti to the song “Cops Kill the Young” by the Russian rock band Televizor. At the end of the video, the activists display banners criticizing the police, including the image of former Minister of the Interior Ihar Shunevich. The investigation came to

the conclusion that the video was evidence of insulting a public official, the then Minister of the Interior Shunevich.

The criminal case caused great public interest and was called politically motivated prosecution. Belarusian human rights organizations issued a joint statement demanding an open trial in accordance with all the principles and guarantees of a fair trial. In a statement, the human rights activists reminded that, in accordance with the provisions of the Guidelines on the definition of the notion of "political prisoner" adopted by the Belarusian human rights community, imprisonment in violation of the right to a fair trial, and other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention on Human Rights and Fundamental Freedoms, in the presence of political motives for the prosecution, is the basis for recognition of such persons as political prisoners.

On October 17, 2019, at the beginning of the trial at the Minsk City Court, the prosecutor dropped three of the four charges. As a result, the trial was declared open and Paliyenka was only accused under Part 3, Art. 339 of the Criminal Code (especially malicious hooliganism). The activist pleaded not guilty, arguing that the victim was in a state of extreme intoxication and hit him on the head. As a result, fearing his safety, Paliyenka was forced to use pepper spray.

The prosecutor asked the court to punish Paliyenka by six years in prison.

On October 25, 2019, Dzmitry Paliyenka was convicted of particularly malicious hooliganism and sentenced to three years of restricted freedom. The penalty was reduced by one year due to an amnesty. He was released in the courtroom. Taking into account the time spent in custody, Paliyenka was ordered to serve 10 months of "house imprisonment". The convict appealed against the sentence to the Supreme Court. The prosecutor's office also filed its appeal against the sentence, but later withdrew it.

Following the judicial monitoring of the trial, representatives of the Human Rights Center "Viasna" concluded that there was no credible evidence of the defendant's guilt. The use of pepper gas was an act of self-defense against illegal and violent actions of the alleged victim and could not be qualified as a criminal offense. Under such circumstances, the court should have acquitted Paliyenka and interpreted all doubts about his guilt in favor of the defendant.

III. RIGHT TO LIFE. THE DEATH PENALTY

In 2019, despite repeated calls for a moratorium on executions voiced by the EU and the PACE, Belarus continued to apply the death penalty. During the year, the country's courts delivered three death sentences, and three earlier sentences were executed.

On January 9, the Mahilioŭ Regional Court handed down a death sentence to Aliaksandr Asipovich. He was convicted of double murder committed under aggravating circumstances.

On May 14, the convict's appeal was considered by the Supreme Court. The complaint was rejected and the verdict was left in place.

On December 17, media reported the execution of Aliaksandr Asipovich.

The information was leaked by Volha Ivanova of the Prosecutor's Office of the Mahilioŭ region, who acted as the public prosecutor in the criminal trial. According to her, after Asipovich lost his appeal at the Supreme Court, he wrote a personal appeal for clemency to President Lukashenka, but the head of state dismissed the petition.

It should be noted that the death sentence against Asipovich was carried out despite the fact that he was preparing a supervisory appeal and was actively communicating with his lawyer. The convict was preparing other activities in his defense, insisting on his innocence.

This fact underlines the ineffectiveness of appeals under supervisory procedures as a mechanism of legal protection at the national level.

In addition, human rights activists learned about Asipovich's intention to submit an individual communication to the UN Human Rights Committee to report violations of his rights by the state. The execution of the convict with his supervisory appeal pending before the Supreme Court undermines the government's position defending the need to exhaust every domestic remedy, including the supervisory authority, before appealing to the UN Human Rights Committee.

On June 13, 2019, the Human Rights Center "Viasna" learned about the execution of death row inmate Aliaksandr Zhylnikau. The fate of the other convict in the case, Viachaslau Sukharka, is still unknown. However, as practice shows, death sentences are executed simultaneously for all convicts sentenced to death in the same case.

On May 30, Zhylnikau's lawyer visited the convict in prison to draft an appeal to the Prosecutor General's Office. On June 13, however, the lawyer arrived at jail No. 1 only to learn that her client had "left the jail under the sentence" (a phrase used to denote execution). A representative of the prison staff confirmed that Aliaksandr Zhylnikau was executed.

It should be noted that Zhylnikau's complaint is pending before the UN Human Rights Committee, after it was registered on December 24, 2018 under No. 3082/2018.

The Committee called on the authorities of Belarus to take interim measures and stay the execution for the period of the consideration of the convict's communication.

The death sentence was carried out on the eve of the Second European Games hosted by Belarus. The execution was condemned by several international organizations.

The government of Belarus was criticized by representatives of the UN for failing to fully commit to the voluntarily assumed international obligations in the field of human rights. Belarus was expected to suspend execution of persons who lodged complaints with the UN Human Rights Committee, UN human rights experts said on July 1 after receiving information about the execution of Aliaksandr Zhylnikau.

The UN Human Rights Committee, together with the UN Special Rapporteur on the situation of human rights in Belarus and the UN Special Rapporteur on extrajudicial, summary executions or arbitrary executions, strongly condemned Belarus for its continued use of the death penalty in connection with the information that the death sentence against A. Zhylnikau was carried out, despite a request by the Human Rights Committee to suspend the execution. To date, Belarus has ignored all requests from the Committee regarding the suspension of the execution of sentences of persons whose cases were before the Committee. This procedure, known as interim measures, is aimed at avoiding irreparable damage caused by the state. Disrespect of this procedure is a violation by the Republic of Belarus of its obligations under article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights, to which it acceded in 1992.

On July 30, 2019, the Viciebsk Regional Court sentenced Viktar Paulau to death finding him guilty on murder charges.

On November 12, the Supreme Court considered the convict's appeal and left the sentence in place. Thus, the death sentence came into force.

On October 25, the Brest Regional Court delivered a death sentence against Viktar Serhil. It was the third death sentence in 2019.

Thus, as of the end of 2019, two convicts were being held on death row in Minsk's prison No. 1. The death sentence of Viktar Serhil has not yet entered into force as his appeal is pending before the Supreme Court.

Meanwhile, the official Minsk continued to participate in a low-level dialogue to discuss the issues of the death penalty.

In particular, on August 27, Minsk hosted the conference "Public Opinion and the Death Penalty in Belarus", which was organized by the Council of Europe and the working group on the death penalty at the House of Representatives. Despite the fact that during the event head of the MFA's Department for Europe and North America Andrei Bushyla argued that Belarus and the Council of Europe had no "fundamental disagreements about the prospects for capital punishment," the head of the working group on the issue of the death penalty Andrei Navumovich once again voiced the position of the official Minsk on this issue: a moratorium on the death penalty will be only declared when the number of opponents of capital punishment will exceed the number of its supporters.

In an interview with the chief editor of the Russian radio station "Echo of Moscow" Alexei Venediktov, President Lukashenka said that he did not intend to impose a moratorium on the death penalty in Belarus. He said he "did not have the right to do it, because this decision was taken at a referendum and it's a referendum only that can cancel it." According to Aliaksandr Lukashenka, the death penalty "helps preserve stability and deal with gangsterism as a warning to this scum."

It should be noted that the state-controlled media do not promote public debate on the application of the death penalty. It's the human rights defenders who are trying to influence public opinion on the issue of abolishing the death penalty. The HRC "Viasna" and its initiative "Human Rights Defenders against the Death Penalty in Belarus" continue to campaign for the abolition of capital punishment. In 2019, the campaign's representatives held a series of activities within the annual week against the death penalty.

IV. RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

Freedom of peaceful assembly and freedom of expression were arbitrarily restricted and routinely violated in 2019.

Belarusian legislation does not contain the notion of peaceful assembly, nor does it contains any rules on the presumption in favor of the right to peaceful assembly. According to the law on mass events, the process of obtaining permits for public events, including one-person pickets, is still fraught with excessive restrictions. The organizers should sign arrangements and pay for the maintenance of public order, health care and clean up after an event; these agreements do not guarantee permission to hold the event. It is prohibited to hold peaceful gatherings in central squares and parts of the central streets of Minsk. These requirements, restrictions and prohibitions, however, do not apply to the activities arranged by the authorities.

The recent changes in the law, which came into force on January 26, made it possible to conduct static events in permanent locations approved by local authorities. The events should follow the

notification-based procedure. However, the organizers are subject to excessive requirements related to the organization of the events and should cover the costs of cleaning and healthcare services. As has been noted, the permanent venues for public events are often extremely inconvenient or even absurd, as far as specific activities are concerned.

The costs of public order protection established by the Council of Ministers constitute a serious obstacle to the organization of street events: for example, the involvement of the police in a mass event with the number of participants under 10 people costs 76.5 rubles, from 11 to 100 people — 637.5 rubles, from 100 to 1,000 — 3,825 rubles, more than 1,000 people — 6,375 rubles. During public events held in places that are not listed as approved by the authorities, these rates are increased by half.

At the same time, the authorities continued the practice of repression against the organizers and participants of unauthorized peaceful assemblies; every significant increase in street activity was accompanied by the increasing number of arrests, fines and detentions.

The organizers of the annual activities of Freedom Day, March 25, 2019, which represented different parties and movements, as well as civil society activists, were not allowed to arrange activities on many of the key sites in the city of Minsk. City officials banned a rally on March 25 near the Bolshoi Theater of Opera and Ballet. They also prohibited events at the Dynamo stadium, near the Palace of Sports and on Freedom Square.

In the course of the allowed events held on Freedom Day, several people were arrested, particularly on March 24, 2019. Dzmitry Dashkevich was detained after speaking at the rally (he was then fined after two days in custody). Vital Rymasheuski was held without a valid reason. Natallia Harachka was detained but her case of disorderly conduct never reached court after three days of pre-trial detention.

On March 25, in different places of Minsk, according to the HRC “Viasna”, more than 15 people were arrested by the police. Among them were politicians and activists, as well as famous rock musicians, who were going to play an impromptu concert on a pedestrian street in the city center.

Belarus did not introduce a simplified procedure of holding peaceful assemblies, despite announcing and widely publicizing the reform at a series of negotiating forums and in international organizations. On the contrary, the few types of public events that were earlier allowed by the government are now under threat of extinction, primarily due to the heavy costs charged for the protection of public order during public events. The new victims of violations of the right to peaceful assembly were members of the organizing committee for the celebration of Freedom Day in Minsk’s Kyiv Park: the organizers of the event opened a dispute with the police on the quality of services provided and the amount charged, which was significantly increased in comparison with the sum specified in the contract. Although the relevant legislation provides for such situations and allows the resolution of disputes through negotiations and in courts, the organizers were fined for refusing to pay for the police services before any solution to the dispute was found.

On April 22, the applicants of the annual Čarnobyĺski Šliach demonstration received permission from the Minsk city executive committee to demonstrate on April 26 to mark the anniversary of the Chernobyl nuclear accident. However, the city police department charged about 7,500 rubles for their services. The organizing committee issued a statement to express strong disagreement with the amount. As a result, the organizers had to withdraw their application citing insufficient funds for the payment of such services.

The unexpected victims of the new rules of charging for police services were representatives of religious denominations who arrange various kinds of processions within the practice of their religion. Out-of-doors religious events are now covered by the rules of the law on mass events.

The public protests against the construction of the entertainment complex “Poedem Poedim” near the places of mass executions in Kurapaty culminated in April 2019 after the authorities demolished some of the crosses erected by the activists on the border of the memorial. Several activists who tried to intervene were arrested by the police.

The protests against the construction of a car battery factory near Brest, which began in February 2018, brought positive results: in June 2019, the construction was suspended. In 2019 alone, the protests cost the activists more than 16,500 rubles in fines. Many of them also spent several days in pre-trial custody. Several environmental activists were subjected to heavy fines during the parliamentary elections in the fall of 2019.

The increased social and political activity during the parliamentary elections led to the growth of repression in the post-election period. The authorities applied administrative penalties to persecute those who made use of the campaigning opportunities to promote their ideas. In the post-election period, a total of 14 people were convicted in 34 cases: 43,300 rubles of fines were imposed, and 2 persons were subjected to administrative detention.

Against the backdrop of the signing of a road map for the integration of Belarus and Russia, as well as the announced meeting between the Presidents of the two countries, the pro-democratic forces organized protests in defense of the independence and statehood of the Republic of Belarus. The events were held on December 7, 8, 20, and 29 in Minsk and other Belarusian cities.

Repression for the exercise of the right to protest in December 2019 resulted in about 70 convictions, with at least 12 people being sentenced to short prison terms, and more than 56,000 rubles imposed in fines. Some protesters were punished repeatedly.

According to the Human Rights Center “Viasna”, in 2019, at least 121 people in 162 cases were convicted under Article 23.34 of the Administrative Code (illegal protesting). In 13 cases, the protesters were sentenced to administrative detention. In addition, 3 people were penalized for the exercise of the right to peaceful assembly and expression under Article 23.4 of the Administrative Code (disobedience to a lawful request of an official), 16 people — under Article 17.1 (“disorderly conduct”; 25 documented cases, most of which were simultaneously qualified under Art. 23.4 of the Administrative Code), two of them were sentenced to short prison terms. 11 persons (in 44 cases) were fined for violating traffic rules.

Thus, at least 151 people in at least 234 documented cases of repression were subjected to administrative penalties for exercising their right to peaceful assembly, freedom of opinion and expression in street protests. Protesters were sentenced to a total of 146,800 rubles in fines. In total, the activists were sentenced to more than 200 days of administrative detention.

According to the Interior Ministry, in 2018, 229 people were prosecuted under Article 23.34 of the Administrative Code. In 2017, 693 court rulings were handed down.

V. VIOLATIONS OF FREEDOM OF EXPRESSION

Over the past year, the situation with freedom of expression in Belarus did not change significantly, remaining consistently poor.

The authorities continued to use Article 17.11 of the Administrative Code (distribution, manufacture, storage, and transportation of information products containing calls to extremist activity or promoting such activity). The HRC “Viasna” documented 13 such cases. Article 17.10 (propaganda and/or public demonstration, production and/or spread of Nazi symbols or insignia) was also misused. 2 cases were documented involving attempts to suppress the spread of dissent and alternative political views.

Over the years, numerous publications on a number of websites were added to the nation-wide list of extremist materials. Reprints of any content from these sites, including without signs of extremism, constitute an offense.

There were documented cases of administrative prosecution for the distribution of information products, in which banned symbols (e.g. the swastika) were used in images or publications of anti-fascist nature. Most notable cases include charges over a literary text published in the newspaper nine years ago, a penalty for disliking a post containing Nazi symbols and other abuses by the authorities of their right to restrict freedom of opinion and its dissemination.

Given the difficult situation in the field of freedom of opinion in the region, human rights defenders organized and held an international conference entitled “Human Rights and Countering Extremism”. A joint thematic report of human rights organizations in Belarus was presented at the event.

VI. RESTRICTIONS ON FREEDOM OF INFORMATION, HARASSMENT OF JOURNALISTS

In the past year, Belarus preserved the old practice of repression against independent media, journalists and bloggers.

Representatives of the foreign media who had no accreditation in Belarus, as well as independent journalists whose materials were used by the media, were still harassed by the authorities. According to the Human Rights Center “Viasna”, in 2019, there were 45 facts of arbitrary imposition of administrative penalties against 20 journalists and bloggers convicted under Part 2, Art. 22.9 of the Administrative Code; the total size of fines amounted to more than 43,000 rubles.

In Brest, bloggers Siarhei Piatrukhin and Aliaksandr Kabanau were repeatedly detained and fined for the coverage of weekly protests against the construction of an environmentally hazardous car battery factory.

VII. TORTURE AND CRUEL, INHUMAN, DEGRADING TREATMENT

The criminal law of Belarus does not directly criminalize torture and other prohibited forms of treatment; only separate reports of torture and prohibited treatment are properly investigated. The investigation of cases of torture and unlawful treatment is reduced to conducting preliminary inspections; as a rule, persons identified as offenders by the victims of abuse are not suspended for the period of inspections. Lack of public oversight institutions, informed distrust of law enforcement agencies and the courts, and fear of recurrence of prohibited treatment in closed institutions contribute to high latency of brutality. Until now, senior officials of Belarus have not publicly condemned the use of prohibited treatment.

The General Prosecutor’s Office refused to re-open the investigation into the death of prison inmate Aleh Bahdanau, despite numerous complaints by his mother, who criticized the quality of

the investigation in the case. According the mother and human rights defenders, the death of the prisoner, who had a disability as a result of a heart surgery, was caused by improper health care.

Viasna's project #BezPravaNaRaspravu gathered evidence of all sorts of violence on the part of the authorities; complaints were filed to bring the perpetrators to justice.

In particular, the authorities continued to investigate the beating by police officer of actress Sviatlana Sakalova, after an earlier decision to refuse to initiate a criminal case was quashed by the prosecutor's office. However, the prosecutor failed to use his legitimate right to initiate a criminal case.

The court considered a claim to the Treasury of the Republic of Belarus filed by Dzmitry Serada, whose apartment was unlawfully raided by the police in 2016. Despite an earlier court ruling qualifying the actions of the police officers as a violation, none of them has been prosecuted.

VIII. VIOLATIONS OF FREEDOM OF ASSOCIATION

On July 18, 2019, Art. 193-1 of the Criminal Code (illegal organization of activity of a public association, religious organization or foundation or participation in their activities) ceased to exist. At the same time, Art. 23.88 of the Administrative Code was introduced to provide for administrative liability (a fine) for carrying out activities on behalf of unregistered organizations.

Since July, there have been no documented facts of application of the new charges, which however does not rule out the threat of their potential use against members of unregistered organizations in the future.

During 2019, there were no significant changes in the sphere of freedom of association.

As in previous years, registration of independent public associations was extremely burdensome.

In particular, the public association "Dzeja" lost its second attempt to obtain state registration. At the end of January 2019, the Ministry of Justice again refused to register the NGO, failing to justify the decision with permissible restrictions on freedom of association. In reality, the documents for registration only contained a few spelling errors and inaccuracies.

On July 26, the Brest Regional Executive Committee refused to register a public association called "EcoBrest". The grounds for refusal were alleged violations in the documents submitted for registration, which, according to the registering authority, were irreparable. The founders were 12 local activists who aim to promote wide public involvement in addressing environmental issues, including through protection of human rights and freedoms guaranteed by the Constitution and international treaties.

During 2019, work continued on amendments to the laws on political parties and public associations. The work involved representatives of some political parties (including the opposition) and civil society. Despite the new forms of cooperation between the state bodies and civil society representatives, the proposed changes, however, failed to radically change the situation in the field of NGOs' activities in the country. Nor did they eliminate the current selective approach of state bodies to the registration of newly established independent public associations.

IX. DISCRIMINATION

In Belarus, there is no single framework law on non-discrimination. Meanwhile, despite several provisions on non-discrimination in a number of legal documents, the recent developments

suggest that state policy towards minorities is fundamentally flawed. The lack of comprehensive anti-discrimination legislation has been repeatedly underscored by both domestic human rights organizations and international groups, the UN Human Rights Committee, in particular. The country has no real legal mechanisms for the protection of victims of discrimination, resulting in absence of any effective measures for the protection of vulnerable groups.

On May 4, the Ministry of the Interior issued a homophobic statement on its website. Like one year before, the officials "marked" the World Day against Homophobia by attacking the British Embassy which displayed a LGBT pride flag on its building. The statement argued that "artificial promotion of the theme of same-sex relationships is destructive, violating moral norms and leading to an increase in sexual offenses against children." Earlier, human rights activists wrote to the Investigative Committee demanding legal response to the homophobic statements by the former Interior Minister Ihar Shunevich (resigned in June 2019).

On May 15, the civil initiative Romaintegration presented a report on the socio-economic situation of the Roma population of Belarus. Civil society activists and human rights defenders highlighted numerous problems faced by the Roma minority, including discrimination in employment and regular ethnic profiling by the police.

An egregious case of violating the rights of ethnic minorities were the events in May 2019 in Mahilioŭ, when dozens Roma people were detained on suspicion of involvement in the kidnapping of a police officer. In most cases, law enforcement officers were violent, used foul language and, without explanation, took the people, mostly men, to the police station. The number of victims of ethnic profiling, according to various sources (with no official data), was about 230 people.

An official representative of the Investigative Committee, however, argued that there were no arrests in the case. Meanwhile, more than 50 people were detained for up to three days. After their release, some detainees reported torture in order to obtain evidence. It was found that the arrests were carried in violation of procedural standards and the detainees were prosecuted under administrative procedures, instead (disorderly conduct). Accordingly, the detainees could not enjoy the guarantees of suspects: the right to defense, right to legal representation of minors, right to know the essence of suspicion, etc.

The police operation took place under the direct control of the Ministry of Interior's top officials (according to available information, deputy minister).

The human rights activists of Viasna's branch in Mahilioŭ complained about the incident to the regional Prosecutor's Office. Chairman of the Human Rights Center "Viasna" Ales Bialiatski also sent a complaint to the Prosecutor General, asking to investigate the arrests.

The Ministry of Internal Affairs rejected the allegations. At the same time, head of the presidential administration Natallia Kachanava publicly apologized for the incident at a meeting with the representatives of Roma families in Mahilioŭ.

Deputy Prosecutor General Aliaksei Stuk raised the issue during a press conference on June 25. In particular, Stuk said that a working group, which was established to assess the actions of the police during the mass detentions of Roma in Mahilioŭ, "dealt with the matter without delay." He claimed that the police had every reason to act tough in respect of the Roma minority. According to the Deputy Prosecutor General, a group of prosecutors found no violations in the actions of the Interior Ministry's employees.

The International Federation for Human Rights (FIDH) and its member organization in Belarus, Human Rights Center “Viasna” issued a joint statement calling on the Belarusian authorities to immediately cease all acts of violence and harassment against Roma communities and to initiate independent and impartial investigations into the human rights violations that occurred in Mahilioŭ.

Also, the human rights activists wrote to the UN Special Rapporteurs. As a result, the Special Rapporteur on minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment expressed grave concern at the police operation, which was based only on suspicion that the Roma could be implicated in the crime, which was later found to be invalid by the Investigative Committee, as well as at racially-motivated insults and physical violence against the detainees, including during interrogations. In their address, the representatives of the United Nations emphasized separately that the threats and intimidation by law enforcement agencies were aimed to ensure that the detainees were not trying to protect their violated rights. The above-mentioned UN bodies asked the government of Belarus to provide detailed information about the incident, the progress of investigating the human rights violations and the scope of assistance offered to the victims.

The Belarusian government responded by saying that 132 Roma persons were interrogated on May 16 and 17, 2019. 52 of them faced administrative charges and were detained for up to 36 hours. The government insisted that no physical force or police gear were applied against the group of people. Actions of employees of law enforcement bodies were not motivated by racial prejudice, it said. At the same time, a probe revealed a number of violations committed by police officers in the conduct of administrative proceedings. As a result, eight police officers were fined and another 20 were punished by disciplinary sanctions.